

The Northern Ireland Public Services Ombudsman
33 Wellington Place
Belfast
BT1 6HN

By email only

17 September 2021

RE: Consultation on creating complaints handling standards for the Northern Ireland public sector

Thank you for inviting the Information Commissioner's Office (ICO) to respond to the above Consultation.

As you will be aware, the Information Commissioner's role includes the regulation of the Data Protection Act 2018 (DPA18), the UK General Data Protection Regulation (UK GDPR) and the Freedom of Information Act 2000 (FOIA). As such, our response focuses upon the Statement of Principles rather than the model procedure. Nevertheless, we acknowledge the importance of a robust complaints procedure in the public sector and its subsequent impact on public trust and confidence.

Whilst derived to assist public bodies in Northern Ireland in managing complaints received by them, the six principles complement the principles of data protection contained in Art. 5 of the UK GDPR and the information access rights legislated within FOIA. Conforming to the Statement of Principles will not only enhance the practices of these bodies whilst handling complaints, but will also assist their compliance with data protection and other information rights legislation. As such, they are welcomed by us.

The ICO promotes openness and transparency by public bodies, a theme that is reflected in the Statement of Principles. The importance of communication during the complaints process – whether relating to procedure, the investigation itself and the outcomes – is stressed throughout. Such candour should engender confidence in the system for the complainant, even where complaints are not upheld.

Further transparency will be seen through the publication of registers of complaints received and the associated outcomes. This should be encouraged but care should be given to ensure that complaints are anonymised appropriately, something of special importance where the

subject is particularly sensitive. For information, please note that the ICO is currently preparing new guidance covering anonymisation and pseudonymisation as well as other privacy enhancing techniques which we hope to publish towards the end of this calendar year. All systems and procedures should, of course, be developed to ensure compliance with the DPA18, UK GDPR and FOIA.

As indicated, we are supportive of the Statement of Principals contained within the consultation document and see many complementarities with our work. We would welcome the opportunity to discuss this further with you.

Yours sincerely

Head of ICO Regions